Please add new claim 13 as follows:

13.   (New) A method for controlling the execution of a program in an information processor for processing instructions by pipelining, the method comprising the steps of:

a)   providing a set of instructions including an execution control instruction, the execution control instruction containing a condition field specifying an execution condition in binary code;

b)   deciding, based on the results of operations performed in response to one or more instructions preceding the execution control instruction in the instruction set provided, whether or not the execution condition that has been specified by the condition field of the execution control instruction is satisfied; and

c)   nullifying one or more instructions succeeding the execution control instruction if the execution condition that has been specified by the condition field of the execution control instruction is not satisfied.

R E M A R K S

I.   Introduction

In response to the pending Office Action, Applicants have amended the title of the application and the specification so as to address the objections thereto set forth in the pending Office Action. Applicants wish to thank the Examiner for his assistance in suggesting amendments to overcome the pending objections. In addition, Applicants

have amended claims 1-3, 5, 7 and 9-12 so as to clarify the intended subject matter of the present invention and to address the objections to the claims set forth in paragraphs 5-8 of the Office Action. Finally, new claim 13 has been added. No new matter has been added.

For the reasons set forth below, it is respectfully submitted that all pending claims are now in condition for allowance.

Furthermore, it is respectfully requested that the Examiner initial and return to the Applicants the PTO-1449 form that was filed on September 28, 2001 concurrently with an Information Disclosure Statement (IDS), so as to allow the Applicants to confirm that <u>ALL</u> the references cited therein have been considered. Specifically, when the PTO-1449 form associated with the foregoing IDS was returned to the Applicants along with the pending Office Action, the article entitled "Branch with Execute and Skip Instruction", Research Disclosure, Kenneth Mason Publications, Hampshire, GB, No. 328, August 1991, was not initialed by the Examiner. Accordingly, Applicants request that the Examiner acknowledge that this reference was considered by initialing the PTO-1449 form in the space adjacent the article and returning the PTO-1449 to the Applicants. A copy of this article was submitted along with the IDS. If for any reason, the Examiner needs another copy, he is respectfully requested to contact the undersigned attorney.

II.   Th Obj ction To Th Claims

Claims 1-3, 5, 7 and 9-12 were objected to for various informalities noted in paragraphs 5-8 of the Office Action. In response, Applicants have amended the foregoing claims to address the comments set forth in the Office Action. With regard to claim 5, it is noted that the claim corresponds to the embodiment set forth in Figs. 7 and 8. In the objection, it is questioned whether the recital of "the number of instructions" for the various alternatives is correct, or if the claim should be amended to recite that distinct "numbers of instructions" are utilized. Applicants respectfully submit that the claim as it is currently written is correct. Specifically, in the example set forth in Figs. 8A and 8B, the number of instructions, N, equals 2. As such, if the execution condition is met, the succeeding two instructions (i.e., instructions 1 and 2) are executed, and the two instructions (i.e., instructions 3 and 4) following those instructions are nullified. However, if the execution condition is not satisfied, the succeeding two instructions (i.e., instructions 1 and 2) are nullified and the next two instructions (i.e., instructions 3 and 4) are executed. It is respectfully submitted that the foregoing example makes clear that the recitation of "number of instructions" in claim is accurate in that the number of instructions to be executed does not change depending on the state of the execution condition. Only the order of execution of the set "number of instructions" changes. As such, it is respectfully submitted that claim 5 accurately reflects the claimed invention and further amendments are not necessary.

III. The Rejction Of Claims 1-4, 9 And 10 Under 35 U.S.C. § 102

Claims 1-4, 9 and 10 were rejected under 35 U.S.C. § 102 as being anticipated by USP No. 5,930,158 to Hoge. Applicants respectfully submit that, as amended, all pending claims are patentable over the cited prior art reference for the following reasons.

As recited by each of the pending independent claims, the present invention recites that the "execution condition" is designated utilizing a "binary code" in the execution control instruction (*see*, e.g., page 8 of the specification, lines 16-24). As a result of the foregoing, the present invention advantageously allows for the use of an execution control instruction having a reduced word length. More importantly, the present invention allows for the indication of a large number of conditional instructions, which are to be executed upon satisfaction of a predetermined condition, utilizing an execution control instruction having a short word length.

In contrast, Hoge discloses that the execution condition is specified by the Y operand address 140, which is 10 bits long (i.e., Y(cc-test)). Importantly, however, nowhere does Hoge appear to disclose or suggest that the execution condition is specified utilizing a binary code.

Accordingly, as anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), for the foregoing reasons, it is clear that Hoge does not anticipate amended claims 1 or 2, or any claim dependent thereon.

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**IV.   All Dependent Claims Are Allowable Because The
Independent Claims From Which They Depend Are Allowable**

Under Federal Circuit guidelines, a dependent claim is nonobvious if the

independent claim upon which it depends is allowable because all the limitations of the

independent claim are contained in the dependent claims, ***Hartness International Inc.***

v. Simplimatic Engineering Co., 819 F.2d at 1100, 1108 (Fed. Cir. 1987).

Accordingly, as claims 1 and 2 are patentable for the reasons set forth above, it is

respectfully submitted that all pending dependent claims are also in condition for

allowance.

V.   Request For Notice Of Allowance

Having fully responded to all matters raised in the Office Action, Applicant

submits that all claims are in condition for allowance, an indication for which is

respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an

Examiner's amendment, the Examiner is requested to call Applicant's attorney at the

telephone number shown below.

Attached hereto is a clean version of the title of the invention, specification and

claims by the current amendment. The attached page is captioned "**Appendix.**"

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136

is hereby made. Please charge any shortage in fees due in connection with the filing of
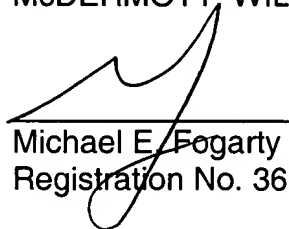
this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT, WILL & EMERY

Date: __2/4/03__

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